

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:20-CV-00459-GCM**

PHILIP BENHAM,

**Plaintiffs,**

**v.**

JEFFREY J JOSEPH  
CITY OF CHARLOTTE, NORTH  
CAROLINA,

**Defendants.**

**FINAL PRETRIAL ORDER**

**THIS MATTER IS BEFORE THE COURT ON ITS OWN MOTION.** This case is set for trial on **Monday, March 13, 2023, at 10:00a.m.** The parties are hereby directed as follows:

1. **By February 13, 2023, at 4:00 PM the parties are required:**
  - (a) To discuss the possibility of settlement.
  - (b) To make all pretrial disclosures in compliance with Fed. R. Civ. P. 26(a)(3).
  - (c) To agree to the extent possible on the authenticity of exhibits.
  - (d) To agree upon the issues for the jury. If counsel cannot agree, each party should submit its own proposed issues.
  - (e) To file a trial brief, a joint statement of the issues remaining for trial, a request for voir dire and requested questions, and proposed jury instructions.
  - (f) To file proposed findings of fact and conclusions of law in all non-jury matters.
2. Motions *in limine* shall be filed no later than three (3) weeks before the first day of the term in which the case has been placed on a published trial calendar. Responses to motions *in limine* shall be filed within five (5) days of receipt of the motions *in limine*.
3. You will be expected to comply with the provisions of the pretrial order regarding trial preparation. **COUNSEL ARE NOTIFIED THAT FAILURE TO COMPLY WITH DEADLINES WILL RESULT IN SANCTIONS.**

4. All cases are subject to call for trial when reached, regardless of their position on the calendar. **The jury will be selected on March 13.**
5. Counsel must subpoena all witnesses at least ten (10) business days before the trial date. The Court may elect not to enforce subpoenas that have not been issued in compliance with this deadline or, if requested, may quash subpoenas that have not been issued in compliance with this deadline.
6. When presenting judgments or orders for the trial judge's signature, you are required to submit them in Microsoft Word via CyberClerk.
7. Exhibits: Parties are expected to use presentation technology available in the courtroom to display evidence to the jury in accordance with Local Rule 79.1(a).
8. If you have or discover a serious objection to trial which you think ought to result in a postponement, please file your motion to continue.

**SO ORDERED.**

Signed: January 26, 2023

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

